HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.NO. 25146 OF 2007

DATED: 27.11.2007

Between:

Peddinti Sitaramacharyulu and others

... Petitioners

and

Govt. of A.P., represented by its
Principal Secretary, Social Welfare
(Land Acquisition) Department and others

...
Respondents

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.NO. 25146 OF 2007

ORAL ORDER:

This writ petition is filed for a writ of Mandamus to declare notification dated 21.11.2007 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), under which an extent of Ac.3.00 of land belonging to the petitioners and situated in Sy.No. 373 of Kolanka Village. Pithapuram Mandal, East Godavari District is sought to be acquired for the purpose of providing house-sites to weaker sections under "Indiramma Programme", as illegal and arbitrary.

The petitioners claim to be owners of Ac.1.00 each situated in Sy.No.373 of the abovementioned village, which is notified for acquisition under Section 4 (1) of the Act. The present writ petition is filed questioning the said acquisition on the ground that the petitioners are small farmers and that, therefore, the respondents are not justified in seeking to acquire their lands.

Heard Sri A. Gopalakrishnama Charyulu, learned counsel for the petitioners.

A perusal of the impugned notification shows that an enquiry under Section 5-A of the Act is envisaged. Therefore, I am of the view that the contentions raised by the petitioners could as well be raised in the enquiry envisaged in the impugned notice. I am thus convinced that in the absence of jurisdictional issues raised in the writ petition, this writ petition filed at this stage is premature. The learned counsel for the petitioner, however, submitted that after issuing the impugned notification, the respondents are seeking to interfere with their peaceful possession and enjoyment of the property.

Except this assertion, the petitioners have not filed any proof in support thereof. At any rate, it is needless to observe that until the respondents complete the necessary formalities under the provisions of the Act, the petitioners' possession cannot be disturbed.

With the above observations and giving liberty to the petitioners to question the action of the respondents at appropriate stage, if the latter seek to further proceed with the acquisition of the petitioners' land, the writ petition is dismissed. There shall be no order as to costs.

C.V. NAGARJUNA REDDY, J

Date: 27.11.2007

cvm